

REMARKS

Claims 1-7 and 12-27 have been cancelled, thereby rendering moot the art rejections with respect to these claims.

Claims 8 and 11 have been amended to clarify the invention and better define the invention over the prior art.

Figures 1, 2, 3, 6, 8 and 9 have been amended in the manner proposed by the Examiner, and it is believed that these amendments overcome the objections thereto. Corresponding changes have been made to references to these figures in the specification. The specification has also been amended to correct minor typographical errors and employ more idiomatic English. No new matter has been entered.

Turning now to the art rejection of claims 8 and 10 as obvious over the '164 patent to Murakami in view of the '655 patent to Murakami, claim 8, as amended, and as described in the specification at page 11, line 8 through page 13, line 12 requires the steps of (1) forming a multilayer film (and a correction film) on a substrate; and (2) cutting away a portion of a surface of (the correction film and) the multilayer film in accordance with an amount of adjustment of the wavefront phase. The result of the process of the second step of this invention is that the surface of the optical element is roughened, not smooth (see specification, page 12, line 22-24 and page 18, line 2-5). The Examiner states that the '655 patent to Murakami teaches cutting as equivalent to smoothing (Column 14, lines 55-65). However, the process of the second step of this invention is not step polishing the surface of the multilayer film or the surface of the correction film and the multilayer film. Accordingly, none of the references cited disclose this claimed method of forming an optical element, and further, it is not obvious to one of ordinary

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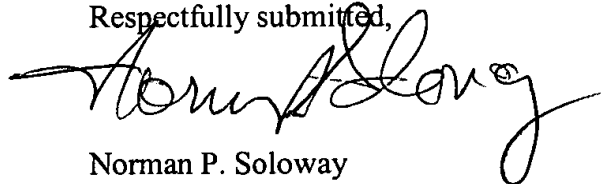
skill in the art to substitute cutting for polishing. Therefore, it cannot be said that claims 8-10 are obvious over these references, and the rejection should be withdrawn. Claims 9 and 10 depend from claim 8 and are patentable for the reasons stated with respect to claim 8, as well as for their own additional limitations.

With reference now to the rejection of claim 11 as obvious over the '164 patent to Murakami in view of the '655 patent to Murakami and Itoh, claim 11 has been amended in a manner similar to claim 8, and as argued above, the references cited do not render the method of claim 11 obvious over the cited references.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 23, 2003, at Tucson, Arizona.

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